

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

JOHN FRALISH, on behalf of himself  
and others similarly situated,

Plaintiff,

v.

TRANS UNION, LLC, and  
TRANSUNION HEALTHCARE, LLC,

Defendants.

Case No.: 3:20-cv-00969

**DEFENDANTS TRANS UNION LLC'S AND  
TRANSUNION HEALTHCARE, LLC'S REQUEST FOR ORAL ARGUMENT  
ON THEIR RULE 12(b)(6) MOTION TO DISMISS**

Defendants Trans Union LLC ("Trans Union") and TransUnion Healthcare, LLC ("TUHC") (together "Defendants"), pursuant to Local Rules 7-5(a), hereby respectfully request oral argument regarding their Rule 12(b)(6) Motion to Dismiss ("Motion to Dismiss") (ECF 18) for the reasons set forth below:

1. Oral argument is necessary on Defendants' Motion to Dismiss to allow the Defendants and Plaintiff, John Fralish ("Plaintiff") (collectively the "Parties") to explain, and answer any questions of this Court about, the relevant test for determining whether the information which is at the core Plaintiff's claims constitutes a "consumer report" and therefore is subject to the provisions of the Fair Credit Reporting Act ("FCRA") which Plaintiff contends Defendants violated.

2. Additionally, oral argument will allow the Parties to explain, and answer any questions of this Court about, a comparison of that test to the

allegations in the Complaint and the inconsistent descriptions of those allegations by the Plaintiff in his Opposition to Defendants' Motion to Dismiss. (ECF 23.)

3. Additionally, during oral argument the Parties can address the futility of Plaintiff's new contentions and why leave to amend Plaintiff's Complaint should be denied.

4. Defendants believe that oral argument would require 25–30 minutes for each side (i.e., 1 hour in total for both sides to argue the motion).

**WHEREFORE**, for the foregoing reasons, Defendants request the Court allow a hearing for oral argument on Defendants' Motion to Dismiss.

Dated: May 21, 2021

Respectfully submitted,

/s/ Michael O'Neil

Michael O'Neil (*admitted Pro Hac Vice*)  
Albert E. Hartmann (*admitted Pro Hac Vice*)

**REED SMITH LLP**

10 South Wacker Drive, 40th Floor  
Chicago, IL 60606  
T: 312-207-1000

[michael.oneil@reedsmith.com](mailto:michael.oneil@reedsmith.com)

[ahartmann@reedsmith.com](mailto:ahartmann@reedsmith.com)

Sandra Davis Jansen (#27803-53)

Schuckit & Associates PC

4545 Northwestern Dr.

Zionsville, IN 46077

Tel: (317) 363-2400

Fax: (317) 363-2257

[sjansen@schuckitlaw.com](mailto:sjansen@schuckitlaw.com)

*Counsel for Defendants Trans Union LLC  
and TransUnion Healthcare, LLC*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on May 21, 2021, a true and accurate copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent by operation of the Court's electronic filing system to all ECF-registered parties. Parties may access this filing through the Court's CM/ECF system.

/s/ Michael O'Neil